



Discrimination and Harassment in Employment are Prohibited by Law

Laws enforced by the Department of Fair Employment and Housing (DFEH) protect you from illegal **discrimination** and **harassment** in employment based on

- **Race**
- **Color**
- **Religion**
- **Sex** (pregnancy or gender)
- **Sexual orientation**
- **Marital status**
- **National origin** (including language use restrictions)
- **Ancestry**
- **Disability** (mental and physical, including HIV and AIDS)
- **Medical condition** (cancer/genetic characteristics)
- **Age** (40 and above)
- **Denial of family and medical care leave**
- **Denial of pregnancy disability leave or reasonable accommodation**

The *California Fair Employment and Housing Act* (Part 2.8 commencing with Section 12900 of Division 3 of Title 2 of the Government Code) and the *Regulations of the Fair Employment and Housing Commission* (California Code of Regulations, Title 2, Division 4, Section 7285.0 through 8504)

- **Prohibit harassment** of employees, applicants, and independent contractors by any persons and require employers to take all reasonable steps to prevent harassment. This includes a prohibition against sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions.
- **Prohibit employers from limiting or prohibiting the use of any language** in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation.
- **Require that all employers provide information** to each of their employees on the nature, illegality, and legal remedies that apply to sexual harassment. Employers may either develop their own publications, which must meet standards as set forth in California Government Code Section 12950, or use a brochure from DFEH.
- **Require employers to reasonably accommodate employees or job applicants with a disability** in order to enable them to perform the essential functions of a job.
- **Permit job applicants and employees to file complaints** with DFEH against an employer, employment agency, or labor union that fails to grant equal employment as required by law.

- **Prohibit discrimination** against any job applicant or employee in hiring, promotions, assignments, or termination. On-the-job segregation is also prohibited.
- **Require employers, employment agencies, and unions to preserve** applications, personnel records, and employment referral records for a minimum of **two years**.
- **Require employers to provide leaves** of up to four months to employees disabled because of pregnancy, childbirth, or a related medical condition.
- **Require an employer to provide reasonable accommodations** requested by an employee, on the advice of her health care provider, related to her pregnancy, childbirth, or related medical conditions.
- **Require employers of 50 or more persons to allow eligible employees to take up to 12 weeks leave** in a 12-month period for the birth of a child; the placement of a child for adoption or foster care; for an employee’s own serious health condition; or to care for a parent, spouse, or child with a serious health condition. (Employers are required to post a notice informing employees of their family and medical leave rights.)
- **Require employment agencies to serve all applicants equally**, to refuse discriminatory job orders, and to refrain from prohibited pre-hiring inquiries or help-wanted advertising.
- **Require unions not to discriminate** in member admissions or dispatching to jobs.
- **Forbid any person to interfere with efforts to comply with the act**. Permit employers to file complaints against workers who refuse to cooperate with the provisions of the law. Authorize DFEH to work affirmatively with cooperating employers to review hiring and recruiting practices in order to expand equal opportunity.

The law provides for administrative fines and remedies for individuals, including the following: hiring, front pay, back pay, promotion, reinstatement, cease-and-desist order, expert witness fees, reasonable attorney’s fees and costs, punitive damages, and damages for emotional distress.

Job applicants and employees: If you believe you have experienced discrimination, you may file a complaint with DFEH.

Independent contractors: If you believe you have been harassed, you may file a complaint with DFEH.

Complaints must be filed within **one year** of the last act of discrimination/harassment.

For more information, contact DFEH toll free at **(800) 884-1684**, TTY number at **(800) 700-2320**, or visit our web site at **www.dfeh.ca.gov**

Government Code Section 12940 and Title 2 California Code of Regulations Section 7287 requires all employers to post this document. It must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, and other places employees gather.

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.

